

**PIKE COUNTY PROJECT DEVELOPMENT BOARD**

**MEETING MINUTES**

**Pike County Courthouse  
Pikeville, Kentucky**

**August 2, 2007 at 5:00 p.m.**

**AOC CONSTRUCTION FILE**

**COUNTY: PIKE**

**FILE CODE: PDBI**

**SUBMITTED BY: JL**

**DATE: 8/24/07**

**CHAIR: Judge/Executive Wayne T. Rutherford**

**MEMBERS OF THE BOARD PRESENT:**

**Magistrate Jeff Anderson  
Circuit Judge Eddy Coleman  
Circuit Court Clerk David Deskins  
AOC Project Manager Jeff Lilly  
Citizen at Large Hon. Charles E. Lowe, Jr.  
District Judge Darrell Mullins  
State Bar Association Representative Neal Smith**

**OTHERS PRESENT:**

**Bobby Branham, Executive Assistant to Judge/Executive  
Rose Farley, Recorder  
Jeanne Robinson, Executive Assistant to Judge/Executive**

**MEMBER OF THE BOARD ABSENT:**

**City Manager/AOC Representative Donovan Blackburn**

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Judge/Executive Wayne T. Rutherford, Chair of the Pike County Project Development Board, called to order a regularly scheduled meeting of the Board on August 2, 2007, at 5:00 p.m., in the Pike County Fiscal Courtroom, Pike County Courthouse, 146 Main Street, Pikeville, Kentucky. He announced that Magistrate Jeff Anderson was momentarily delayed but would be present and he then called upon Judge Charles E. Lowe, Jr., to lead the Pledge of Allegiance.

Before approving the minutes, Judge Rutherford noted for the record that Vaughn & Melton RFPs were submitted for consideration of an architectural firm and that packet did arrive timely to the Board but was inadvertently omitted from the list of submittals.

Jeff Lilly, AOC Project Manager, wished to clarify certain items in the minutes before approval. On Page 4, Mr. Lilly said concerning the bidding process for the construction management firms, basically, the paragraph should read that the construction manager will prepare the bid packages, separate them into about sixteen to twenty-two different packages and they will be bid that way. If their bids come in from each package lower than the overall general contractor, he said another general contracting company could come in and bid the entire package, all sixteen packages, and if their bid is lower than the aggregate of all the construction managers, at that point if the Board so elects, it

could choose the general contractors. Then, the Construction Manager would basically start. If the Board votes to take the General Contractor's low bid, the Construction Manager's job is basically complete at that time; the Construction Manager will be paid up to that point for their services; and at that time they are off the project and the General Contractor will take over working directly with the architect.

On Page 5 in the second paragraph, the discussion of elimination of the sallyport arose only because of a referral to another job in Boyd County underway at this time. Mr. Lilly said the sallyport could possibly--and probably would be--kept. He said for the new Pike County facility, if a pedway is used, that might eliminate the sallyport but this project is nowhere near that decision.

With no further corrections, **upon motion by Neal Smith and second by David Deskins, the Board unanimously APPROVES the minutes for July 5, 2007. Vote was taken as written below:**

CJE Wayne T. Rutherford	Yes
Magistrate Jeff Anderson	Temporarily Absent
Circuit Judge Eddy Coleman	Yes
District Judge Darrell Mullins	Yes
Clerk David Deskins	Yes
State Bar Representative Neal Smith	Yes
City Manager Donovan Blackburn	Absent
The Hon. Charles E. Lowe, Jr.	Yes

Judge Rutherford acknowledged a submittal for consideration of property from the Dawahare State Limited Partnership through letter from Attorney David Stratton of the Pikeville law firm of Stratton, Hogg and Maddox, PSC. For City Manager Donovan Blackburn who was absent, Judge Eddy Coleman presented a plan prepared by Summit Engineering, Inc., for the City of Pikeville concerning property for a building site and Judge Rutherford asked that this be made part of the record.

Neal Smith reported that Jim Hobbs of the Pikeville United Methodist Church had advised him the church no longer wished its property to be considered for the new judicial facility and would like to withdraw its offer. Judge Rutherford reminded the Board that Mr. Hobbs in presenting the proposal had stated to the Board that he was not speaking for the Administrative Board of the church.

Judge Coleman announced that the Baird family has withdrawn its offer to sell property on Third Street for the new location as well. At a later point in the meeting, Lloyd Keene, Larry Keene, Peggy Schnell and Corky Schnell came for discussion of property which they own at the corner of Pike Street and Main Street. Judge Rutherford informed them at AOC's recommendation, the Board would not consider sites until selection of an architectural firm was made.

Judge Rutherford then acknowledged the following submittals for bond counsel and asked that their names be placed in the record:

Reed & Johnson of Lexington, Kentucky  
Taft Stettinius & Hollister, LLP of Covington, Kentucky  
Peck, Shaffer & Williams, LLP, of Covington, Kentucky  
Frost Brown Todd, Attorneys, of Louisville, Kentucky  
Rubin & Hays of Louisville, Kentucky  
Stoll, Keenon, Ogden of Louisville, Kentucky  
Wyatt, Tarrant & Combs, LLP, of Louisville, Kentucky

Judge Rutherford called for Closed Session. **Upon motion by Judge Eddy Coleman and second by Judge Darrell Mullins, the Board by acclamation voted to go into Closed Session for discussion of the list of architects to be invited for interviews.**

*[Clerk's Note: Magistrate Jeff Anderson was unavoidably detained so his vote is not included in the first two votes of this meeting.]*

Judge Rutherford called upon Mr. Lilly to announce the construction management firms chosen to be sent letters from Judge Rutherford's office. Mr. Lilly listed four: Alliance Corporation, Branscum Construction Company, Messer Construction Company and Venture Construction. All these companies were on a list given to Mr. Lilly by Garlan Vanhook. They have worked in the past with AOC and some have ongoing projects at this time. Mr. Lilly said direct solicitation is legal and the advertisement has already been published. He declared AOC guidelines permit this since there are only two submittals, although a minimum of three is more desirable. A third firm could be sought with direct solicitation and if none comes forth, that would be acceptable, too. Mr. Lilly suggested scheduling the two Construction Management firms and any more that come in to be considered at the September 6 meeting which would provide preparation time for them. He said the Financial Advisors could be done the same day. Mr. Lilly said there is no hurry to select a Construction Management firm at this time. **Upon motion by Judge Eddy Coleman and second by David Deskins, the Board unanimously APPROVES sending solicitation letters for RFPs to the four (4) construction management firms of Alliance Corporation, Branscum Construction Company, Messer Construction Company and Venture Construction, and FURTHER APPROVES allowing the firms ten (10) days or until August 15, 2007, to respond and submit packets to this Board.**

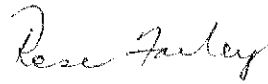
Judge Rutherford asked Judge Coleman to read the list of the four architectural firms selected in Closed Session and they are as follows: 1) DLZ; 2) S & A Architects, Inc; 3) GRW; and 4) Sherman Carter Barnhart. The Board decided to have interviews only for the four architectural firms at a special meeting. **Upon motion by Judge Eddy Coleman and second by Neal Smith, the Board unanimously APPROVES scheduling the four (4) architectural firms chosen by the Board in Closed Session to come for interviews and presentations on August 17, 2007, at the hour of 4:00 o'clock with thirty (30) minutes only allowed for interviews and presentations with strict adherence to the time allotment.**

Mr. Lilly warned the Board that no person except the specified architectural firm representatives may be in the fiscal courtroom during its presentation. He also stated a CMTA representative or engineers who work for each firm may sit in the room. He suggested a cut-off reminder about five minutes before the time is up.

For bond counsel, Mr. Lilly informed the Board that no interviews will be required; that the Board will simply select a firm. Judge Rutherford asked if some firms sell bonds and Mr. Lilly said interviews must be held for the Financial Advisor first and that firm would answer that question. He said the August 16 date for the meeting would allow them time to prepare and send in the RFPs. Following this discussion, it was decided to change the meeting date. **Upon motion by Judge Eddy Coleman and second by Judge Darrell Mullins, the Board unanimously APPROVES changing the originally scheduled August 17 meeting date to August 16, 2007, at 4:00 p.m., for interviews and presentations of the four (4) architectural firms chosen in Closed Session at this meeting.**

Judge Rutherford called for adjournment and **upon motion by Neal Smith and second by Judge Darrell Mullins, the Board by acclamation voted to ADJOURN the meeting.**

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Rose Farley".

Rose Farley, Recorder